

### **Amendments to the Claims:**

This listing of the claims will replace all prior versions, and listings, of the claims in the application.

### **Listing of the Claims:**

1. (Currently amended) An actuation device for a flap element of a variable top receptacle having at least one wall element that is pivotable between a first and a second position, wherein the actuation device comprises a ~~fixedly borne~~ spring element that is arranged and constructed to traverse a point of maximum elastic deformation between its first and second position by interacting with the wall element during pivoting of the wall element and wherein the spring element is arranged and constructed so as to assume a substantially ~~unbiased~~ undeformed state in each of the first and second positions and one end of the spring element is stationary during pivoting of the wall element between the first and second positions.

2. (Previously presented) An actuation device according to claim 1, wherein the spring element is a leaf spring.

3. (Currently amended) An actuation device according to claim 2, further comprising a fixed bracket, wherein the one end of the leaf spring is substantially rigidly supported on the bracket in a longitudinal direction of the leaf spring and another end of the leaf spring is movably supported in the longitudinal direction of the leaf spring.

4. (Previously presented) An actuation device according to claim 3, wherein the leaf spring includes two legs connected via a curved portion, wherein the curved portion is arranged and curved such that its curvature lies within an angle ( $\alpha$ ) traversed by the wall element during its pivoting movement and wherein the middle point of its radius of curvature and the pivotal axis of the wall element lie on opposing sides of the leaf spring.

5. (Currently amended) An actuation device according to ~~claim 5~~ claim 4, wherein the spring

element is arranged and constructed to cooperate with a lever element that is fixedly disposed on the wall element.

6. (Previously presented) An actuation device according to claim 5, wherein the lever element is affixed to the wall element proximal to the pivotal axis of the wall element.

7. (Previously presented) An actuation device according to claim 6, wherein the lever element is cam-shaped.

8. (Previously presented) An actuation device according to claim 7, wherein the point of maximum deflection of the spring element lies substantially at the bisecting line of the angle ( $\alpha$ ) between the first and second positions of the wall element.

9. (Currently amended) An actuation device according to claim 8, wherein the spring element elastically biases the wall element at least in one of the first or position and the second position.

10. (Previously presented) An actuation device according to claim 2, wherein the leaf spring includes two legs connected via a curved portion, wherein the curved portion is arranged and curved such that its curvature lies within an angle ( $\alpha$ ) traversed by the wall element during its pivoting movement and wherein the middle point of its radius of curvature and the pivotal axis of the wall element lie on opposing sides of the leaf spring.

11. (Currently amended) An actuation device according to claim 1, wherein the spring element is arranged and constructed to cooperate with a lever element that is fixedly disposed on the wall element and the lever element is affixed to the wall element proximal to the pivotal axis of the wall element.

12. (Cancelled)

13. (Previously presented) An actuation device according to claim 5, wherein the lever element is cam-shaped.

14. (Previously presented) An actuation device according to claim 1, wherein the point of maximum deflection of the spring element lies substantially at the bisecting line of the angle ( $\alpha$ ) between the first and second positions of the wall element.

15. (Previously presented) An actuation device according to claim 1, wherein the spring element is arranged and constructed to elastically bias the wall element at least in the first or the second position.

16. (Currently amended) A vehicle comprising:

a stowable top movably disposed on a body of the vehicle,

a receptacle at least partially disposed in a rear portion of the vehicle body, wherein the receptacle defines a volume that is variable by pivoting a wall element thereof between a first position defining a maximum receptacle volume and a second position defining a minimum receptacle volume, wherein the receptacle is arranged and constructed to accommodate the stowable top in the first position, and

an actuation device comprising a spring element having a first end fixedly borne on coupled to one of the vehicle body and a rear truck lid pivotably coupled to the vehicle body, the spring element being arranged and constructed to contact the wall element at least during pivoting movement of the wall element and to traverse a point of maximum elastic deformation of the spring element between the first and second position of the wall element, wherein the spring element is arranged and constructed such that the restoring force of the spring element is substantially at a minimum when the wall element is disposed in the first position and the second position, respectively, and the first end of the spring element remains stationary during the pivoting movement of the wall element.

17. (Previously presented) A vehicle according to claim 16, wherein the spring element is a leaf spring.

18. (Currently amended) A vehicle according ~~according~~ to claim 17, wherein the actuation device further comprises a bracket fixedly mounted on a rear trunk lid, wherein ~~a~~ the first end of

the leaf spring is substantially rigidly supported on the bracket in a longitudinal direction of the leaf spring and a second end of the leaf spring is movably supported in the longitudinal direction of the leaf spring.

19. (Previously presented) A vehicle according to claim 18, wherein the actuation device further comprises a lever element rigidly affixed to the wall element proximal to the pivotal axis of the wall element, wherein the leaf spring is arranged and constructed to be deflected by the lever element during pivoting movement of the wall element.

20. (Previously presented) A vehicle according to claim 19, wherein the lever element is cam-shaped.

21. (New) A device configured to, at least in part, vary the size of a convertible top receptacle comprising:

a wall element pivotable between a first position and a second position, and

a spring interacting with the wall element, wherein the spring is configured to traverse a point of maximum elastic deformation during pivoting of the wall element between the first and second positions and to assume a substantially undeformed state at each of the first and second positions of the wall element, wherein one end of the spring remains stationary during pivoting of the wall element between the first and second positions.